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Atty. Dkt. No. 039153-0450 (G1155)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lukanc et al.

Title: METHOD OF ENHANCING CLEAR
FIELD PHASE SHIFT MASKS
WITH BORDER REGIONS
AROUND PHASE 0 AND PHASE
180 REGIONS

Appl. No.: 10/016,273

Filing Date: 12/11/2001

Examiner: Unknown

Art Unit: 1756

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.	
<i>Deborah A. Kocorowski</i> (Printed Name)	
<i>Deborah A. Kocorowski</i> (Signature)	
September 17, 2003 (Date of Deposit)	

PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

After submitting a nonpublication request with the above-referenced application upon filing, the application became abandoned under operation of law for failure of Applicants to timely and properly notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. Accordingly, this petition is being filed as a protective measure to ensure that any patent that may issue or has issued from the above-referenced application will not be invalid and/or unenforceable due to Applicants' failure to file the appropriate notice.

APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

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(1) Required reply and/or fee .

The proposed reply for the above-referenced notification in the form of a Request to Rescind Previous Nonpublication Request 35 U.S.C. 122(b)(2)(B) is enclosed herewith.

(2) Petition fee (37 C.F.R. § 1.17(m))

A check in the amount of \$1,300.00 is enclosed for the amount stated in 37 C.F.R. § 1.17(m) to cover the fee for this petition.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

(3) Statement that the abandonment was unintentional.

Specifically, on December 9, 2002, Assignee's legal department filed an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. Assignee's legal department inadvertently failed to notify outside counsel of the filing. Accordingly, a request to rescind the non-publication request was not filed.

Accordingly, Applicants wish to revive the above-referenced application in light of counsel's unintentional failure to file the appropriate notice of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date 9-16-03

By Joseph N. Ziebert

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